

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In Re: HARRY JAY SISKIND,)	
)	
Debtor,)	
)	
HARRY JAY SISKIND,)	
)	Civil Action No: SA-13-CV-199-XR
Appellant,)	
)	Bankr. Case No. 12-53864-rbk
VS.)	
)	
MARY K. VIEGELAHN,)	
)	
Appellee.)	

DISMISSAL ORDER

On this date, the Court considered the status of this case. On January 24, 2013, Appellant/Debtor Harry Jay Siskind, *pro se*, filed a notice of appeal from the bankruptcy court's January 10, 2013 Order for Summary Dismissal of Chapter 13 Case (Bankr. Doc. No. 14). The appeal was docketed in this Court on March 12, 2013 and Appellant's brief was due by March 26, 2013. *See* FED. R. BANKR. P. 8009(a)(1) (providing that an appellant "shall serve and file a brief within 14 days after entry of the appeal on the docket"). Appellant did not timely file any briefing.

On May 24, 2013, this Court issued an order directing Appellant to file an advisory with this Court by no later than June 7, 2013 showing cause why this Court should not exercise its discretion to dismiss this appeal for failure to file an appellate brief. The deadline has expired and Appellant has not filed an advisory with this Court. Nor has Appellant filed an appellate brief. As a result, the Court finds that dismissal is appropriate. *See Matter of Braniff Airways, Inc.*, 774 F.2d 1303, 1305 (5th Cir.1985) (holding that a district court has discretion to dismiss an appeal for an appellant's failure to comply with the duty of diligent prosecution).

Accordingly, this appeal is hereby dismissed without prejudice for Appellant's failure to file an appellate brief and for Appellant's failure to comply with an order of this Court. The Clerk is directed to close this case.

It is so ORDERED.

SIGNED this 14th day of June, 2013.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE